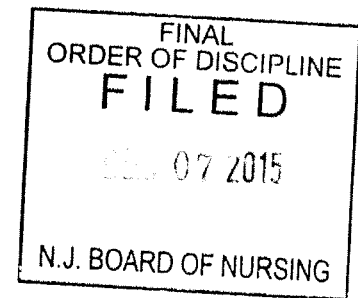


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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	
	:	
IKEA D. SWINDELL, LPN	:	FINAL ORDER
License # 26NP06678300	:	OF DISCIPLINE
	:	
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Ikea D. Swindell ("Respondent") is a Licensed Practical Nurse (LPN) in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about April 25, 2013, Respondent completed and submitted an online biennial renewal application. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2013," referring to the biennial renewal period of June 1, 2011 to May 31, 2013. Respondent answered "Yes" and certified that answer by submitting the online application.

3. On October 25, 2014, Respondent was arrested by members of the Gloucester Township Police Department for violation of N.J.S.A. 2C:24-4A (Endanger Welfare of Child). The Board sent a letter of inquiry requesting certain information and documents regarding the criminal matter, Respondent's nursing practice, and continuing education to Respondent's address of record in Camden, New Jersey, via regular and certified mail on or about November 7, 2014. The regular mailing was not returned. The receipt of the certified mailing was signed by Respondent upon delivery on November 13, 2014.

4. Prior to receiving the certified mail receipt, the Board became aware that Respondent had changed her address. On November 21, 2014, the Board sent Respondent another letter of inquiry to her new address in Blackwood, New Jersey requesting certain information and documents regarding the criminal matter, Respondent's nursing practice, and continuing education. The

regular mailing was not returned. The certified mailing was returned as "Unclaimed".

5. Respondent's license expired on May 31, 2015 and has not been renewed.

6. To date, Respondent has not replied to the Board's requests for information.

#### CONCLUSIONS OF LAW

Any professional or occupational license not renewed within thirty days of its expiration date shall be suspended without a hearing pursuant to N.J.S.A. 45:1-7.1(b). As such, Respondent's LPN license was automatically and administratively suspended, without a hearing, on July 1, 2015.

Respondent's failure to respond to the Board's requests for information constitutes multiple failures to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are

required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

By virtue of having failed to respond to the letters of inquiry, Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial period of June 1, 2011 to May 31, 2013. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process in falsifying her continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

#### DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension, reprimand, and a seven hundred and fifty dollar (\$750) civil penalty was entered on August 27, 2015. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a

modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order of Discipline by providing most of the Board requested information regarding her October 2014 arrest. This matter was referred to municipal court and is currently pending resolution. The respondent's reply further indicated that after her arrest, she placed her license on inactive status and did not renew it when the license expired on May 31, 2015.

Respondent also provided proof of completion of 54.5 hours of continuing education in August 2015. Respondent may apply 30 of those hours to cure the deficiency of the June 1, 2011 - May 31, 2013 biennial period and avoid suspension of her license. A portion of the remaining 24.5 hours, namely fifteen (15) hours, may be applied to the June 1, 2013 - May 31, 2015 biennial period, as authorized by N.J.A.C. 13:37-5.3(c). However, despite this carry-over, respondent has not cured the deficiency of the June 1, 2013 - May 31, 2015 biennial period and will be required to provide proof of completion of at least

fifteen (15) more hours of continuing education prior to reinstatement of her license.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. Based on the foregoing, the Board voted to finalize the POD with modifications. Inasmuch as Respondent cured the deficiency in her continuing education for the June 1, 2011 - May 31, 2013 biennial period, the Board determined that disciplinary suspension was no longer warranted. Therefore, the respondent's license will remain administratively suspended due to her failure to renew in May 2015 until such time the Board grants reinstatement.

However, the Board determined that Respondent's failure to cooperate with a Board's investigation and to timely complete the required continuing education within the June 1, 2011 - May 31, 2013 biennial period warrants imposition of a seven hundred dollar and fifty dollar (\$750) civil penalty. Also, a reprimand is warranted for Respondent's corresponding answer on her renewal application whereby she misrepresented that she had completed the required continuing education when she was unable to demonstrate, to the satisfaction of the Board, that she had done so.

ACCORDINGLY, IT IS on this 17<sup>th</sup> day of December, 2015,  
ORDERED that upon the filing of a FINAL ORDER OF DISCIPLINE in  
this matter:

1. A reprimand is imposed on Respondent Ikea D. Swindell, LPN, for falsifying the continuing education information on her license renewal application.

2. A civil penalty in the amount of seven hundred and fifty dollars (\$750) is imposed on the respondent. The penalty is an aggregate penalty, which includes a penalty in the amount of five hundred dollars (\$500) for failure to cooperate with a Board investigation and a penalty in the amount of two hundred and fifty dollars (\$250) for failing to timely complete required continuing education. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to Leslie Burgos, Board Staff, State Board of Nursing, Post Office Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of a Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in

accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

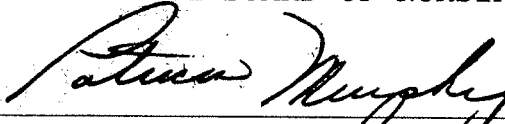
3. Continuing education completed after May 31, 2015 and applied to cure the deficiency of a previous biennial period shall not also be used to satisfy the requirements of the current biennial period. Respondent shall ensure that she has completed an additional fifteen (15) hours of continuing education prior to reinstatement of her license.

4. Respondent shall refrain from practicing as a nurse and shall not represent herself as a Licensed Practical Nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

5. The Board reserves the right to initiate disciplinary proceedings based upon any information that Respondent ultimately provides in response to the letter of inquiry or upon any new information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

By:



Patricia Murphy, PhD, APN  
Board President